

## **Piracy and Occasional State Power: Forum Introduction**

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### **Abstract**

States exert their power over maritime predation only occasionally depending on prevalent circumstances. Historically, when states have perceived and attempted to address a problem of piracy, they have encountered severe limits on their abilities to manage private maritime enterprise in waters under their purported control. Despite the popular conception that piracy falls into the legal category of 'universal jurisdiction', such jurisdiction has only been employed sporadically. In reality, despite high-profile 'terror' campaigns against pirates, states regularly employed alternative means of suppression, including negotiation, legal posturing, and co-optation. The four articles in this forum provide detailed case studies of the occasional use of state power to regulate maritime predation in diverse waters and contexts. In these examples, states: negotiated with maritime communities in medieval England, sought a monopoly on violence in the South China Sea; collaborated with other states to police colonial Hong Kong; and dealt diplomatically with a local pirate hero to defend New Orleans. Across each paper, the 'state' faced a particular problem of piracy, but could only occasionally exert power to manage it.

### **Keywords:**

piracy, privateering, law, state power, England, Americas, China

States have always had uneasy relations with maritime predators. Although piracy and other forms of private maritime predation have persisted from the ancient to the modern period, states have only occasionally exerted control over it; and when they have, that control has historically taken many different forms. Sometimes states organize and benefit from raids, like those of Francis Drake in the Caribbean or sea raiders sanctioned by potentates in the Malay Archipelago, while at other times they might punish a private sea raider or seafaring community to make an example, like in the trial and execution of William Kidd or the French occupation of Algeria. Whether desiring to combat, regulate, or capture the benefits of maritime predation, historically states have shown limited and irregular abilities to control piracy. With finite means to protect or enforce maritime activity, states rarely attempted to prevent all instances of piracy in their waters and, instead, focused their efforts and resources on addressing specific issues and occurrences. In this way, the use of state power in relation to piracy has been occasional.

The limits of state power in managing private maritime predation was a recurring theme at 'The Problem of Piracy: An Interdisciplinary Conference on Plunder by Sea Across the World from the Ancient to the Modern'. Held in Glasgow, Scotland in June 2019, this was the first conference of the Problem of Piracy Network, a scholarly group dedicated to the study of piracy and maritime predation across the globe, across time periods, and across fields. Forty delegates delivered papers from various disciplines, predominantly touching on maritime history. Participants identified several key themes in the study of piracy and maritime predation, the most prominent being the role of the state in defining, combatting, or benefiting from piracy. The articles presented in this forum, which originated as conference papers at The Problem of Piracy event, present four case studies that

explore the application of state power in the realm of piracy. Each focuses on a different region of the world between the fourteenth and the nineteenth centuries, exploring an occasion in which a state intervened in maritime predation in response to specific circumstances. Together, they reveal the diverse means through which states occasionally projected power, and demonstrate the diverse levels of success this achieved.

In the four articles that constitute this forum, dissimilar states intervened in issues of maritime predation by: mediating between disputing parties in medieval English ports; violently suppressing bandit leaders in the South China Sea; working with foreign powers to keep the maritime peace around colonial Hong Kong; and negotiating with pirates to combat external threats in the Gulf of Mexico. This forum provides a global lens which reveals the means, motivations, and limited capacities of state power in curtailing and regulating private maritime predation from the medieval to the modern period.

### **Pirates and States**

Maritime predation has been a lens through which to view developments surrounding the legal, political, economic, imperial, and social history of the sea. Making use of Roman philosopher Cicero's oft-quoted oration in the first century BC that defined pirates as *communis hostis omnium* – 'the common foe of all the world', piracy is often pitched as the first crime to fall under universal jurisdiction.<sup>1</sup> In practice, however, historians have shown that states conflicted over the legitimacy of maritime predation in different regions, and mariners employed various legal strategies to

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<sup>1</sup> Mark Chadwick, *Piracy and the Origins of Universal Jurisdiction: On Stranger Tides?* (Leiden and Boston, 2019), 26. For a discussion of piracy in Roman law and its influence on European maritime law see Chadwick, *Universal Jurisdiction*, chs. 2-4. See also Alfred P. Rubin, *The Law of Piracy* (Newport, RI, 1988).

provide a veil of legitimacy for their activities. States drew the boundaries between licit and illicit maritime predation on a case-by-case basis.<sup>2</sup> By the early eighteenth century, European laws had enshrined licit maritime predation as ‘privateering’, which was later suppressed through the 1856 Paris Declaration.<sup>3</sup>

However, European states continued to be unwilling to advance outright universal claims to piracy jurisdiction and non-European polities continued to resist such pretensions. As Benton and Ford argue, attempts to order the oceans in the early-mid nineteenth century – including the right to suppress pirates - remained reliant on an ‘awkward combination of bilateral treaties, municipal law, admiralty law, and diplomatic negotiation’.<sup>4</sup> This meant that anti-piracy measures remained regionally-focused and dependent on imperial bureaucracy, inter-imperial cooperation, and mediation surrounding the legality of various forms of maritime predation.<sup>5</sup> European law and bilateral agreements were then adopted into

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<sup>2</sup> See Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge, 2010), ch. 3; Lauren Benton, ‘Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism’, *Comparative Studies in Society and History*, 47:4 (2005), 710; John Coakley, ‘“The Piracies of some little Privateers”: Sea Raiding and the Ambiguity of Language in the Seventeenth Century Caribbean’, *Britain and the World*, 13:1 (2020), 6-26; Michael Kempe, ‘“Even in the remotest corners of the world”: globalized piracy and international law, 1500-1900’, *Journal of Global History*, 5 (2010), 353-72; N. A. M. Rodger, ‘The Law and Language of Private Naval Warfare’, *The Mariner’s Mirror*, 100:1 (2014), 5-16; Louis Sicking, ‘The Pirate and the Admiral: Europeanisation and Globalisation of Maritime Conflict Managements’, *Journal of the History of International Law*, 20 (2018), 429-70; David J. Starkey and Matthew McCarthy, ‘A Persistent Phenomenon: Private Prize-taking in the British Atlantic world, c. 1540-1856’, in Stefan Eklöf Amirell and Leos Müller, eds., *Persistent Piracy: Maritime Violence and State-Formation in Global Historical Perspective* (London, 2014), 131-51.

<sup>3</sup> See Kempe, ‘remotest corners’, 353-72; Bryan Mabee, ‘Pirates, privateers and the political economy of private violence’, *Global Change, Peace & Security*, 21:2 (2009), 139-52; Sicking, ‘Pirate and the Admiral’, 429-70; Robert C. Ritchie, ‘Government Measures against Piracy and Privateering in the Atlantic Area, 1750-1850’, in David J. Starkey, E.S. Van Eyck Van Heslinga, and J.A. De Moor, eds., *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries* (Exeter, 1997), 10-28; Starkey and McCarthy, ‘Persistent Phenomenon’.

<sup>4</sup> Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law* (London, 2016), 119.

<sup>5</sup> *Ibid.*, ch. 5. See also Lauren Benton, ‘Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction’, *International Journal of Maritime History*, 23:1 (June 2011), 225-40; Jonathan Chappell, ‘Maritime Raiding. International Law and the Suppression of Piracy on the South China Coast, 1842-1869’, *International History Review*, 40:3, 473-92; Caitlin M. Gale, ‘Barbary’s slow death: European attempts to eradicate North African piracy in the early nineteenth century’, *Journal for Maritime Research*, 18:2 (2016), 139-54.

international law as it was formalised in the second half of the nineteenth century. As Chadwick has recently shown, these principles were later enshrined in the United Nations Convention for the Law of the Sea (1982), which defined piracy as a universal crime when committed on the high seas, but which required enforcement at a municipal level.<sup>6</sup> Piracies occurring in territorial waters continued to fall under the domestic jurisdiction of the state policing those waters.<sup>7</sup> Far from exercising universal jurisdiction, therefore, states suppressed and continue to suppress piracy based on a combination of legal instruments and geopolitical posturing. States, therefore, project their presumed power over pirates occasionally and differently in diverse circumstances.

In European cases, questions of maritime predation came to the fore in the fifteenth century, when new maritime zones were encountered in the Atlantic, Indian, and Pacific Oceans. European states attempted to monopolize their interactions with the polities in these newly-accessible regions, leading to the creation of distinctive legal zones.<sup>8</sup> As Kempe states, these were not lawless zones subject to ‘the rule of force alone’, but instead prompted the use of ‘conflicting legal strategies’ to justify private maritime violence.<sup>9</sup> States then attempted to impose a unified imperial framework over these developing maritime empires. For example, Northern European states like England and the Netherlands explicitly and implicitly supported maritime predation in the sixteenth century as a means to obstruct Iberian overseas enterprise. This meant that those states’ colonisation schemes began with a focus

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<sup>6</sup> Chadwick, *Universal Jurisdiction*, ch. 7.

<sup>7</sup> See *Ibid.*, 175-9; Martin Murphy, ‘Piracy and UNCLOS: Does International Law Help Regional States Combat Piracy’, in Peter Lehr, ed., *Violence at Sea: Piracy in the Age of Global Terrorism* (New York and London, 2007), 155-82.

<sup>8</sup> In particular, see Benton, *Sovereignty*, ch. 3. See also Ian K. Steele, *The English Atlantic, 1675-1740: An Exploration of Communication and Community* (Oxford, 1986), ch. 10.

<sup>9</sup> Kempe, ‘remotest corners’, 359.

on plundering Iberian shipping and settlements, influencing where, when, and how their colonies formed.<sup>10</sup> In the seventeenth and early eighteenth centuries, the desire to boost state revenue through closed imperial markets encouraged European attempts to impose centralised control over their dominions and curtail piracy. However, as Koot and Hanna argue, states did not have the resources to enforce these measures and, instead, relied on colonial compliance, which only occurred on the few occasions when colonists came to believe that following imperial regulations outweighed the many benefits of supporting private maritime operations. This happened sporadically and largely depended on the commercial connections between colonies and European markets.<sup>11</sup> Anderson and Starkey, in their global histories of piracy, offer a similar assessment in which the primary causal factors of piracy are episodic wars and fluctuating economies, which generate unstable labour markets and trigger demands for black-market goods provided by pirates. These predatory societies are only suppressed when markets become stable and licit trade increases.<sup>12</sup> Whether as a result of wars or obstructive commercial regulations,

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<sup>10</sup> See, for example, Kenneth R. Andrews, *The Spanish Caribbean: Trade and Plunder, 1530-1630* (New Haven, 1978); Kenneth R. Andrews, *Trade, Plunder, and Settlement: Maritime Enterprise and the Genesis of the British Empire, 1480-1630* (Cambridge and New York, 1984); Mark Hanna, *Pirate Nests and the Rise of the British Empire, 1570-1740* (Chapel Hill, 2015), ch. 2.

<sup>11</sup> Christian J. Koot, *Empire at the Periphery: British Colonists, Anglo-Dutch Trade, and the Development of the British Atlantic, 1621-1713* (New York, 2011), esp. chs. 3-6; Hanna, *Pirate Nests*, esp. chs. 6, 9. On the prevalence of and motivations behind inter-imperial trade in the Atlantic Ocean see Ernesto Bassi, *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham, 2016); Adrian Finucane, *The Temptations of Trade: Britain, Spain, and the Struggle for Empire* (Philadelphia, 2016); David Hancock, *Oceans of Wine: Madeira and the Emergence of American Trade and Taste* (New Haven, 2009); Michael J. Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680-1793* (Chapel Hill, 2010); Fabricio Prado, *Edge of Empire: Atlantic Networks and Revolution in Bourbon Río de la Plata* (California, 2015); Linda M. Rupert, *Creolization and Contraband: Curaçao in the Early Modern Atlantic World* (Georgia, 2012); Nuala Zahedieh, 'The Merchants of Port Royal, Jamaica, and the Spanish Contraband Trade, 1655-1692', *The William and Mary Quarterly*, 43:4 (1986), 570-593.

<sup>12</sup> John L. Anderson, 'Piracy and World History: An Economic Perspective on Maritime Predation', in C. R. Pennell, ed., *Bandits at Sea: A Pirates Reader* (New York, 2001), 82-106; David J. Starkey, 'Pirates and Markets', in Pennell, *Bandits at Sea*, 107-24. See also Arne Bialuschewski, 'Pirates, markets and imperial authority: economic aspects of maritime depredations in the Atlantic World, 1716-1726', *Global Crime*, 9:1 (2008), 52-65; Nuala Zahedieh, 'Trade, Plunder, and Economic Development in Early English Jamaica, 1655-89', *The Economic History Review*, 39:2 (1986), 205-22.

pirates relied on the existence of markets where they could sell their plundered goods and it was only when these markets declined that piracy also declined. This effort depended on state negotiation with maritime communities, incorporating their interests within the imperial framework to ensure their compliance.

Pirates were not merely a problem for European states and their empires. European activity beyond the Cape of Good Hope helped catalyse the development of armed commerce in the Indian Ocean. Sovereign authorities in the region acted to suppress such activities.<sup>13</sup> When Mughal rulers proved incapable of checking maritime depredations, they turned to European maritime powers for assistance. In doing so, Mughal authorities recognised European maritime law in Indian waters, but its legitimacy was underpinned by Mughal sovereignty.<sup>14</sup> The introduction of European maritime law to the Indian Ocean would have implications further afield in the Malay Archipelago. Maritime predation in this region was an important economic activity and many sovereigns sanctioned sea raiding as a form of warfare or statecraft. European imperial agents could delegitimise sovereignties by labelling such activity as piracy and using such stigmatisations to justify violent intervention.<sup>15</sup> Chinese authorities, many of whom considered various rulers in Southeast Asia under the suzerainty of the emperor, also tried to suppress maritime depredation. Bans on maritime trade rendered the activities of the many Chinese living in Southeast Asia illegal, turning them into smugglers and pirates. Chinese rulers also

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<sup>13</sup> R.P. Anand, *Origin and Development of the Law of the Sea* (The Hague, 1983), 51-2.

<sup>14</sup> Benton, *Search for Sovereignty*, 141-4.

<sup>15</sup> Anthony Reid, 'Violence at Sea: Unpacking "Piracy" in the Claims of States over Asian Seas', in Robert J. Antony, ed., *Elusive Pirates, Pervasive Smugglers: Violence and Clandestine Trade in the Greater China Seas* (Hong Kong, 2010), 18-9; Ghislaine Loyré, 'Living and Working Conditions in Philippine Pirate Communities, 1750-1850', in Starkey et al., *Pirates and Privateers*, 69-70. Nicholas Tarling, *Piracy and Politics in the Malay World: A Study of British Imperialism in Nineteenth Century South-East Asia* (Melbourne, 1963), 25-6.

used accusations of piracy to delegitimise authority in the Malay Archipelago.<sup>16</sup> In China itself, piracy was endemic, and during the Ming (1368-1644) and Qing (1644-1912) dynasties, it confronted some of the most prolific pirates like Zheng Chenggong (a.k.a. Koxinga), whose forces drove the Dutch from Taiwan, and the wife of Zheng Yi, whose confederation of over 50,000 pirates dwarfed the bands of the most infamous pirates of the Caribbean.<sup>17</sup> State authorities in China, as Sander Molenaar's article in this forum demonstrates, resorted to a variety of measures to deal with pirates, all of which had limited effect as evidenced by the pervasiveness of piracy in the late imperial period.<sup>18</sup>

When imperial states attempted to stem the impact of maritime predation, they not only sought to better regulate their own subjects, but also led persistent campaigns to define the activities of rival groups, communities, or empires as piratical. This then provided justification for aggressive action against these groups to extend greater sovereignty over these spaces. As Risso argues, applying the term piracy to purposefully misrepresent the practices of commercial competitors was one tool employed by imperial powers to justify the suppression of these rivals, whether achieved through force or treaty relationships.<sup>19</sup> Calling regional competitors pirates

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<sup>16</sup> Jennifer L. Gaynor, 'Piracy in the Offing: The Law of Lands and the Limits of Sovereignty at Sea', *Anthropological Quarterly*, 85:3 (2012), 825-33.

<sup>17</sup> See Tonio Andrade, *Lost Colony: The Untold Story of China's First Great Victory over the West* (Princeton, 2013); Robert J. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China* (Berkeley, CA, 2003); Dian H. Murray, *Pirates of the South China Coast, 1790-1810* (Stanford, 1987).

<sup>18</sup> Sander Molenaar, 'Turning Bandits into "Good Citizens": Coastal Violence on the South Coast of the Ming Empire in the Fifteenth Century'. See also Wensheng Wang, *White Lotus Rebels and South China Pirates: Crisis and Reform in the Qing Empire* (Cambridge, MA, 2014), chs. 3 and 7; Robert J. Antony, 'State, Community, and Pirate Suppression in Guangdong Province, 1809-1810', *Late Imperial China*, 27:1 (2006), 1-30; Paola Calanca, 'Piracy and Coastal Security in Southeastern China, 1600-1780', in Antony, *Elusive Pirates*, 85-98; Dian H. Murray, 'Piracy and China's Maritime Transition, 1750-1850', in Gungwu Wang and Chin-keong Ng, eds., *Maritime China in Transition 1750-1850* (Wiesbaden, 2004), 43-60.

<sup>19</sup> Patricia Risso, 'Cross-Cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region during a Long Eighteenth Century', *Journal of World History*, 12:2 (2001), 293-319. See also Derek L. Elliot, 'The Politics of Capture in the Eastern Arabian Sea, c. 1700-1750', *International Journal of Maritime History*, 25:2 (2013), 187-98; Simon Layton, 'The



was instrumental to the extension of imperial state power particularly in Asian waters at the expense of indigenous sovereignties; as Kwan's article in this forum demonstrates, extending state power in that manner often relied on collaboration and compromise between multiple regional state powers.<sup>20</sup>

Across the history of maritime predation, the state has attempted to arbitrate maritime violence, facilitating or suppressing plunder by sea depending on whether specific forms of predation fit within broader developments in state or imperial formation. Regulating plunder in this way forms part of a broader move by states to claim a monopoly on violence and absorb maritime predation into state or interstate control. This has encouraged the description of anti-piracy campaigns as campaigns of 'terror', in which the state utilises coercive violence through naval supremacy and capital punishment to aggressively suppress pirates.<sup>21</sup> Other anti-piracy measures recognise the necessity of collaboration and compliance, in which the decline of piracy is reliant less on the overt power of states and more on communal recognition of the benefits of operating within an overarching legal framework.<sup>22</sup> Even so, anti-piracy campaigns required considerable projection of state power, as they relied on the ability of the state to extend its reach over often-remote maritime communities and waterways. Intermittent occurrences of piracy combined with the constantly fluctuating limits of state resources meant that anti-piracy campaigns were largely reactive and targeted specific regions where maritime predation posed the most

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"Moghul's Admiral": Angrian "Piracy" and the Rise of Bombay', *Journal of Early Modern History*, 17 (2013), 75-93; Philip MacDougall, *Naval Resistance to Britain's Growing Power in India, 1660-1800: The Saffron Banner and the Tiger of Mysore* (Woodbridge, Suffolk, 2014); Reid, 'Violence at Sea', 15-26.

<sup>20</sup> C. Nathan Kwan, "'Putting Down a Common Enemy": Piracy and Occasional Interstate Power in South China in the Mid-Nineteenth Century'.

<sup>21</sup> See, in particular, Earle, *Pirate Wars*, ch. 10; Rediker, *Villains*, chs. 1, 7; Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ, 1994), 45-54.

<sup>22</sup> Hanna, *Pirate Nests*, chs. 9-10.

predominant problem.<sup>23</sup> These were not universal in either scope or intent, and depended on the willingness, determination, and resources of the impacted states to respond to the threat of piracy, often through political, commercial, or diplomatic pressure. Piracy may represent a recurring problem throughout the world's oceans but for individual polities it poses an episodic issue that meets with varying responses.

### **The Means and Methods of Occasional State Power over the Sea**

As this forum reveals, there are many ways state power manifested against the problem of piracy. 'Occasional state power' reflected the reality of states' limited abilities to project power and control over sea space, which regularly proved fragmented and short-lived. In particular, the application of state power to defining and combatting maritime predation has been inconsistent and sporadic. Whether a given state tackles a problem of piracy depends on its interest in doing so and the legal, political, economic, and martial resources available to it. In addition to naval force and imperial expansion, states also used laws and courts (Hu), local actions (Molenaar), interstate cooperation (Kwan), and co-optation (Cavell) among other measures to deal with the problem of piracy. Many of these policies were often only deployed contingently against pirates. Without permanent control over the waters that pirates inhabited, state power, when used for the suppression of piracy, was only ever occasional and often limited in effect.

Examining domestic maritime disputes in medieval England, Hu utilises the opposing petitions of two port communities to discuss the importance of local

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<sup>23</sup> David Wilson, 'Protecting Trade by Suppressing Pirates: British Colonial and Metropolitan Responses to Atlantic Piracy, 1716-1726', in David Head, ed., *The Golden Age of Piracy: The Rise, Fall, and Enduring Popularity of Pirates* (Athens, Georgia, 2018), 89-110.

participation and petitionary language in shaping royal intervention and outcomes in regional disputes. Hu explains that conflicts surrounding coastal jurisdiction between Great Yarmouth and the Cinque Ports, both on England's east coast, led to violent encounters at sea between mariners of the two ports. This then created a 'cycle of royal mediation', in which intermittent royal intervention attempted to effect peace between the two communities after the outbreak of serious violence. This, however, proved ineffective in stemming overall hostilities, which continued unabated until the next eruption of major aggressions forced the crown into renewed intervention and arbitration. As the crown proved unable to produce any real change, the onus for meaningful mediation was on the communities themselves, who could choose when to actively engage and cooperate with the arbitration process. This could then be exploited as a means to demonstrate loyalty to the crown to the direct detriment of regional rivals. In 1316, Hu demonstrates, the petitioners from the Cinque Ports purposefully aligned their interests in highly localised disputes with Great Yarmouth with that of the crown's sovereign interests. To do so, the petitioners employed language that instead reflected a broader disrespect of and opposition towards royal authority. Hu argues that the Portsmen proved more adept at this than the Yarmouth petitioners, highlighting that their successful manoeuvrings was due to their political literacy at a time when King Edward II faced considerable internal and external threats. The occasional extension of state power even within domestic waters, then, relied on the support and political manoeuvrings of maritime communities that recognised cooperation with the state could advance their interests against regional rivals.

This idea finds resonance in Molenaar's assessment of coastal banditry on the southern coast of China during the Ming dynasty (1368-1644), which reveals the

limits of state agents' authority in two counties in separate provinces.<sup>24</sup> Through a critical reading of local gazetteers, Molenaar not only examines state responses to piracy but also gleans insight into the society and environment in which the pirates existed. Due to demographic, economic, and environmental pressures, banditry was endemic in South China.<sup>25</sup> Molenaar argues that the administrative system of the Ming Empire and the beliefs and ideals held by its officials clouded local authorities' understanding of the situations within their jurisdictions that caused banditry. Ming officials attempted to impose an agrarian ideology and system of rule on maritime regions that did not conform to the model envisioned by their administrators. When Ming officials were familiar with the circumstances of their jurisdictions and had ties to local elites, as in the case of Zhou Xuan, Molenaar points out that the state could effectively suppress coastal banditry. The Ming administrative system, however, rotated officials from post to post to prevent them from building a local power base. The example of Zhou's successor reveals that even forceful displays of state power, such as the violent suppression of piracy, failed to prevent banditry for long. The dissonance between state-dictated agrarian ideals and the realities of life on the coast of South China prevented officials from effectively dealing with the problem of banditry. In this case, even occasionally potent state power proved unable to suppress piracy in Ming South China.

Imperial officials not only struggled to suppress piracy during the Ming period but, as Kwan demonstrates, piracy continued to pose a substantial problem in South China in the mid-nineteenth century. Trade with China, the colonisation of Hong Kong, and the opening of the treaty ports gave Britain a stake in the suppression of

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<sup>24</sup> Molenaar uses the term 'banditry' rather than piracy as, in late imperial China, officials did not necessarily distinguish between different types of robbery and violence. See Robert Antony, *Unruly People: Crime, Community, and State in Late Imperial South China* (Hong Kong, 2016), 106.

<sup>25</sup> Antony, *Unruly People*, 16-25.

piracy in Chinese waters. From Hong Kong, British officials could impose their own understandings of piracy and maritime law off the coast of China.<sup>26</sup> Britain enforced its version of maritime law with the might of the Royal Navy, the most powerful naval force in the world at the time. Yet, even at the height of its maritime dominance, Britain struggled to suppress piracy around the island of Hong Kong. The limits of state power in China drove British officers to rely on cooperation from Qing officials as well as Portuguese and American naval forces for assistance in dealing with piracy. Focusing on an international punitive expedition to Coulan - an island at the southwest corner of the Canton Delta - in 1854, Kwan reveals the destructive potential of interstate exercises of power against pirates. Even extreme violence by international coalitions had a limited effect in checking piratical activity for long. The 1854 expedition produced some results, but subsequent cooperative expeditions to Coulan suggest that violent interstate power in the region was occasional and limited. Persistent piracy around Coulan, which continued well into the twentieth century, is testament to the limits of state and interstate power in maritime South China.

Earlier in the century, piracy had also posed a problem in the Americas. Cavell shows that in early nineteenth-century New Orleans, Jean Laffite operated a successful privateering and smuggling ring for the predominantly French inhabitants of the city. Despite its French and Spanish roots, however, after the Louisiana Purchase of 1803, New Orleans existed in a 'frontier' zone of the Gulf Coast claimed - but not directly controlled by - the new United States government. Cavell notes that most of the residents of New Orleans were sceptical of U.S. authority and outwardly

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<sup>26</sup> Jonathan Chappell, 'Maritime Raiding, International Law and the Suppression of Piracy on the South China Coast, 1842-1869', *International History Review*, 40:3 (2018), 474.

supported Laffite's business. As a result, he was able to mass up to 1,000 men as part of his privateer squadron based on the island of Grand Terre in Baratavia Bay, which served as a 'back door' to New Orleans through bayou waters. Lafitte and his men used that channel to smuggle goods and slaves regularly to the grateful inhabitants of the city. Between 1803 and 1815, Laffite enjoyed a level of 'civic protection' because people wanted the goods he brought in, especially after Thomas Jefferson's embargo hurt the city's economy. Despite Laffite's untouchable local status, Cavell asserts, U.S. authorities sought to exert state power and curtail his operations, though they lacked the resources and the opportunity to do so. That situation changed once New Orleans became ground zero in the War of 1812 and Laffite's reputation as the respectable rogue started to work against him, particularly after rumours spread that he had dealt with the British Royal Navy after their arrival off the coast in 1814. Although Laffite did not aid the British commander, his former protectors took the opportunity to paint him as a pariah. To regain his place, Laffite began working alongside U. S. general Andrew Jackson to defend the city against the British. Cavell reminds us that 'the weakness of state military power allowed Laffite to, once again, make himself indispensable'. Jackson lacked the resources in this frontier zone to combat his enemies on his own, and was forced to offer an amnesty to the Baratavia men. Because state power was thin on the ground, New Orleans was in part preserved for the United States by its leading French pirate.

## **Conclusion**

As the examples from this forum show, different states in diverse periods had disparate means of dealing with piracy. In medieval England, monarchs failed to produce meaningful change when port communities came into conflict with one

another and, instead, royal mediation was exploited to advance community interests against their rivals. On the southern coast of the Ming empire local officials, who often attempted to govern according to agrarian ideals unsuited to their jurisdictions, were tasked with controlling waterborne banditry. In early-nineteenth-century Louisiana, U.S. federal agents and naval forces had limited success in reigning in the activity of pirate-smugglers like Jean Lafitte. On the other side of the world, British colonial authority in Hong Kong, although backed by might of the Royal Navy, had to rely on cooperation with other state actors to suppress piracy in the mid-nineteenth century. In each instance, state power took on different forms when deployed against pirates with ambivalent results. These responses demonstrate the manifestations and limits of state power in different regions at different times, and their study is an important contribution to the history of piracy and occasional state power. The legal, administrative, and martial tactics as well as policies of co-optation and cooperation used by states across time and place were only deployed occasionally and proved to be inadequate solutions to the problem of piracy.

### **Author Biographies**

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**David Wilson** is Lecturer in Early Modern Maritime and Scottish History at the University of Strathclyde, Scotland. His doctoral thesis was awarded the British Commission for Maritime History's Boydell & Brewer Prize for Best Doctoral Thesis in Maritime History in 2019. He has published on the history of Atlantic piracy in the

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